

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMAGENERAL METALS OF TACOMA, INC., a  
Washington corporation; and ARKEMA  
INC., a Pennsylvania corporation,

Plaintiffs,

v.

BEAN ENVIRONMENTAL LLC, a  
Delaware limited liability company; and  
BEAN DREDGING LLC, a Louisiana limited  
liability company,

Defendants.

Case No. C05-5306RBL

ORDER ON MOTIONS IN LIMINE

This matter comes before the Court on the plaintiffs' and defendants' motions in limine. The Court has considered the pleadings filed in support of the motion and enters the following Order:

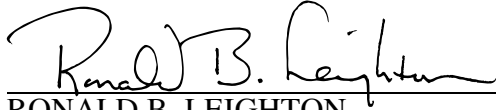
1.	Exclude any and all argument, testimony and evidence that Defendants Bean Environmental, LLC, and Bean Dredging LLC (collectively "Bean"), filed suit against plaintiffs on May 4, 2005, one day after plaintiffs filed this suit against Bean, as well as the Motion for Consolidation of the two lawsuits and the Court's Order on the Motion for Consolidation. [Dkt. 194]	DENIED
2.	Exclude any and all argument, testimony and evidence of the contents of any pleading that has been superseded by a subsequent pleading or by Order of the Court. [Dkt. 194]	RESERVED
3.	Exclude any and all argument, testimony and evidence regarding the expense of litigation. [Dkt. 194]	GRANTED

1	4.	Exclude any and all argument, testimony and evidence regarding the liability limits of the Project Engineer. [Dkt. 194]	GRANTED
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3	5.	Exclude any and all argument, testimony and evidence implying that HHCG was unable to pay Bean for its work, and withheld payment from Bean because of financial difficulties. [Dkt. 194]	DENIED
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5	6.	Exclude any and all argument, comment, or reference to the fact that plaintiffs have an advantage over defendants because each plaintiff is represented by separate counsel. [Dkt. 194]	DENIED
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7	7.	Exclude any and all evidence not disclosed prior to trial, including any exhibits not appearing on either parties' pretrial exhibit list. [Dkt. 194]	RESERVED
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9	8.	Exclude any and all argument, testimony and evidence referencing the plaintiffs' log of privileged documents, as well as the volume of documents withheld by plaintiffs as "privileged" or "work product." [Dkt. 194]	RESERVED
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11	9.	Use of Deposition Testimony During Opening Statements Should Be Excluded Under ER 401-403, ER 801-804, and CR 32. [Dkt. 194]	GRANTED
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13	10.	Exclude any and all argument, testimony and evidence relating to the filing of this motion. [Dkt. 194]	GRANTED
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15	11.	Exclude testimony of Ronald Vann. [Dkt. 195]	DENIED
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17	12.	Exclude testimony regarding Timothy Harrington's Cost Opinion. [Dkt. 195]	DENIED
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19	13.	Exclude testimony regarding how asbestos containing material entered the waterway. [Dkt. 197]	GRANTED
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21	14.	Exclude testimony regarding health risks associated with asbestos. [Dkt. 197]	DENIED
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23	15.	Exclude testimony of initial estimates regarding the volume of asbestos containing sediment to be removed from the waterway. [Dkt. 197]	DENIED
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16.	Exclude testimony of initial estimate that the head of the Hylebos was the largest asbestos remediation site in Washington State. [Dkt. 197]	DENIED
17.	Exclude testimony that Bean would not have been able to finish dredging in the first dredge season if asbestos had been found. [Dkt. 197]	DENIED
18.	Exclude testimony referring to HHCG as a polluter. [Dkt. 197]	DENIED
19.	Exclude HHCG's damages claim for removal of native soil. [Dkt. 200]	GRANTED
20.	Exclude HHCG's damages claim for legal services. [Dkt. 200]	DENIED (Evidence shall be introduced only through billing attorney; production of billing statements shall occur no later than 5:00 p.m. on 1/8/07.)
21.	Exclude portions of expert opinion of Ram K. Mohan. [Dkt. 203]	DENIED
22.	Exclude expert opinion of Steve Ross. [Dkt. 206]	DENIED (The equipment cost analysis documents must be produced no later than 5:00 p.m. on 1/8/07.)
23.	Exclude expert opinion based on John Lally's debris analysis. [Dkt. 209]	DENIED
24.	Exclude expert report by DeMaximis, Inc. and related testimony. [Dkt. 211]	DENIED
25.	Exclude evidence regarding HHCG's fraud claim. [Dkt. 214]	GRANTED (HHCG fraud claim withdrawn)
26.	Exclude Jerry Hainline as an expert witness. [Dkt. 217]	DENIED (The parties will be limited to one expert per subject, however.)

1 To the extent any motion in limine requires the Court to make findings pursuant to its gatekeeping  
2 function under *Daubert* or *Kumho Tire*, that analysis will be provided at the time of trial.

3 DATED this 4<sup>th</sup> day of January, 2007.

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6 RONALD B. LEIGHTON  
UNITED STATES DISTRICT JUDGE  
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